
DEPARTMENT OF TRANSPORTATION
**Research and Special Programs
Administration**
49 CFR Parts 172 and 173

[Docket No. HM-166-O; Amdt. Nos. 172-86,
173-169]

Deletion of Certain Commodity Entries

AGENCY: Materials Transportation
Bureau (MTB), Research and Special
Programs Administration, DOT.

ACTION: Final rule.

SUMMARY: These amendments: (1)
Delete certain entries from the
Hazardous Materials Table (Table),
§ 172.101, and (2) change certain
sections in Part 173 which are necessary
because of the deletions in the Table.

The reason for this action is to remove
entries from the Table which are vague,
unnecessary, or which describe
materials that present such a minimal
hazard that they may not meet the
definition of a hazardous material.

EFFECTIVE DATE: These amendments are
effective September 30, 1984, however,
compliance with the regulations as
hereby amended is authorized as of
November 7, 1983.

FOR FURTHER INFORMATION CONTACT:
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Regulations Termination Branch, Office
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SUPPLEMENTARY INFORMATION: On June
3, 1982 the MTB published Notice No.
82-4 (47 FR 24157) under Docket HM-
166-O which proposed to delete 171
entries from the Hazardous Materials
Table, § 172.101, and to remove or
amend sections in Part 173 of the
Hazardous Materials Regulations (HMR)
which are associated with some of the
entries which were proposed for
deletion. The public comment period
ended on August 2, 1982. The MTB
received 40 comments to HM-166-O.
The comments were carefully
considered by the MTB. On the basis of
comments received, some of the entries
proposed to be removed are retained.
The MTB believes that the result of this
amendment will be to reduce the volume
of regulation, making the HMR easier to
use and less burdensome on the
regulated public. The following is a
discussion of the most significant
comments.

The majority of the commenters were
either in favor of the proposal, or in
favor of the proposal except as it affects

the specific proper shipping name of a
material offered for transportation by
the commenter. Five commenters were
against the proposal in its entirety.

One commenter contends that the
MTB failed to specify an alternative
proper shipping name to be used in the
event that a shipping name is deleted.
The MTB disagrees. It is the shipper's
responsibility to identify and classify
the hazardous materials that are being
offered for transportation. In order for
the MTB to specify an alternate proper
shipping name to an entry that is being
removed, information would have to be
supplied regarding the properties of the
material to determine if they meet the
definition of a hazard class. For
example, the proper shipping name
"Rubber curing compound" is one of the
entries being removed from the Table. In
order for the MTB to suggest an
alternate proper shipping name for this
commodity, technical data would have
to be supplied, e.g., does the commodity
meet the definition of a flammable solid.

One commenter suggested that by eliminating certain proper shipping names and by substituting the generic equivalent, the MTB would be creating problems for emergency response personnel. The MTB does not agree. The use of a vague proper shipping name does not increase the ability of emergency response personnel to do their job.

One commenter suggested that if commodities were deleted from the Table and not deleted from international regulations, this would create a problem of dual descriptions for shippers that ship a commodity both domestically and internationally. ICAO descriptions are presently accepted for descriptions of domestic shipments by air and IMO descriptions as listed in § 172.102 are permitted if part of the transportation of the material is by vessel. Also, it should be pointed out that, since § 172.102 was adopted in 1980, no petition has been received to broaden the applicability of that section to domestic surface shipments.

Several commenters objected to the deletion of the proper shipping names: "Drugs, n.o.s."; "Medicines, n.o.s."; and "Cosmetics, n.o.s." The arguments set forth by these commenters are that the use of a proper shipping name such as "Flammable liquid, n.o.s.", for these commodities could be confusing to the carrier and might frustrate transportation. While the MTB does not agree that these entries are more appropriate than a more specific entry (including a generic class n.o.s. entry), they are retained in the Table at this time.

One commenter objected to the removal of the proper shipping name "Gas drips", on the basis that the name gas drips conveys an important message to emergency response personnel. The commenter pointed out that gas drips are testing samples from pipelines, and have a distinctive mercaptan smell. The shipping name gas drips conveys this information to emergency response personnel and could prevent a possible overreaction in an incident where the mercaptan smell is present. The MTB agrees with the commenter and the proper shipping name, "Gas drips" is retained in the Table.

Three commenters objected to the removal of the proper shipping name "Acid, sludge" on the basis that it is not a vague name, that it is a term that is widely understood in industry and, therefore, should be retained in the Table. The MTB disagrees. The three commenters who objected to the deletion of this proper shipping name also disagreed as to what constitutes

acid, sludge. Several commenters also objected to the deletion of the proper shipping name, "Resin, solution" on similar grounds, that it is a term widely understood in industry and, therefore, it should be retained in the Table. Again the commenters disagreed as to what constitutes resin solution, and MTB has removed the entry because it is vague. Also, the entry "Resin, solution", Flammable liquid which was inadvertently left out of the notice, has been removed.

Two commenters suggested that the informational entry, "Film, photographic", should be retained because it is useful. The MTB disagrees. Safety film is not considered a hazardous material. The type of film that does meet the definition of a hazardous material is the nitrocellulose based film which is no longer manufactured. In a comment to Docket number HM-8, Notice 71-13, the Eastman Kodak Company stated that it had not produced nitrate based film since 1949. It is true that some nitrate based film may be in transportation to and from film archives; however, the proper shipping name, "Film (nitrocellulose)" is being retained in the Hazardous Materials Table. The MTB believes that thirty-four years is a long enough period of time to inform the shipping public that safety film is not subject to the provisions of the Hazardous Materials Regulations.

Several commenters objected to the removal of the following proper shipping names:

Entry	Hazard Class
Coal tar distillate	Combustible liquid
Coal tar distillate	Flammable liquid
Coal tar light oil	Combustible liquid
Coal tar light oil	Flammable liquid
Coal tar naphtha	Combustible liquid
Coal tar naphtha	Flammable liquid
Coal tar oil	Combustible liquid
Coal tar oil	Flammable liquid

The commenters point out that these shipping names are widely used in industry and, therefore, should be retained. The MTB agrees that the proper shipping name, "Coal tar distillate" should be retained, however, the other proper shipping names in the coal tar group should be deleted because Coal tar distillate is descriptive of all these commodities.

Several commenters objected to the removal of the following entries:

Entry	Hazard class
Lighter fluid	Flammable liquid
Naphtha distillate	Combustible liquid
Naphtha distillate	Flammable liquid
Naphtha solvent	Combustible liquid
Naphtha solvent	Flammable liquid
Petroleum naphtha	Combustible liquid

The basis for these objections is that they are commonly used shipping names

and, therefore, should be retained in the Table. Upon consideration of these comments, the MTB has retained the entries for "Naphtha" and for "Petroleum naphtha" in the Table because it believes that these proper shipping names are descriptive of all of these commodities.

One commenter objected to the deletion of the proper shipping names, "Hydrocarbon gas, liquefied" and "Hydrocarbon gas, nonliquefied", on the basis that they are more descriptive than an n.o.s. entry. The MTB believes that liquefied petroleum gas is the same as hydrocarbon gas, liquefied. However, since there is not an entry for petroleum gas, nonliquefied, the MTB believes it is appropriate to retain the entries for hydrocarbon gas.

Several commenters objected to the deletion of the entry, "Denatured alcohol" because of the possible confusion between denatured alcohol and other types of alcohol, including potable alcohols. The MTB agrees with these commenters and has retained the proper shipping name, "Denatured alcohol" in the Table. However, the MTB believes that the proper shipping name, "Rum, denatured", should be deleted because the proper shipping name "Denatured alcohol" includes "Rum, denatured".

One commenter objected to the deletion of the proper shipping name "Potassium fluoride solution", because a description under the n.o.s. category would not be adequate to provide proper product definition due to specific properties of that commodity. The MTB agrees, the proper shipping name "Potassium fluoride solution" is retained in the Table.

One commenter objected to the deletion of the entry, "Crude oil", because the proper shipping name is widely used in industry and is more appropriate than an n.o.s. entry. The MTB agrees with the commenter and has retained the entry in the Table.

Several commenters objected to the deletion of the proper shipping names, "Boiler compound, liquid" and "Water treatment compounds". The bases for these objections are that they are commonly used names and that there are packaging exceptions for these commodities which the commenters fear would be lost. The MTB believes that these proper shipping names are too vague to be useful, however, the packaging exceptions which exist for these commodities are retained in Part 173.

Several commenters expressed concern that changing proper shipping

E A W	Hazardous materials descriptions and proper shipping names	Hazard class	Identification number	Label(s) required (if not excepted)	Packaging		Maximum net quantity in one package		Water shipments		
					Excep- tions	Specific require- ments	Passenger/ carrying aircraft or railcar	Cargo only aircraft	Cargo ves- sel	Pass- enger vessel	Other requirements
(1)	(2)	(3)	3(a)	(4)	5(a)	5(b)	6(a)	6(b)	7(a)	7(b)	7(c)
W	Burlap bags, used and unwashed, or not cleaned.	ORM-C		None	173.505	173.930	No limit	No limit	1	1	Keep cool.
	Burlap cloth (<i>hessian</i>)	ORM-C		None	173.505	173.931			1,2	1,2	Keep dry. Stow away from organic liquids.
	Burnt fiber	Flammable solid	NA 1372	Flammable solid	None	173.169	Forbidden	Forbidden	1,2	1,2	Separate from flammable gases or liquids, oxidizing materials, or organic peroxides.
	Carbon remover, liquid	Flammable liquid	UN 1132	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
	Charcoal, activated	Flammable solid	UN 1362	Flammable solid	173.162	173.162	25 pounds	200 pounds	1,3	1,3	
	Charcoal screening, wet	Forbidden									
	Charcoal, wet	Forbidden									
	Cigar and cigarette lighter fluid. See Lighter fluid.										
	Coal tar light oil	Combustible liquid	NA1137	None	173.118a	None	No limit	No limit	1,2	1,2	
	Coal tar light oil	Flammable liquid	NA1136	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
	Coal tar naptha	Combustible liquid	NA2553	None	173.118a	None	No limit	No limit	1,2	1,2	
	Coal tar naptha	Flammable liquid	NA2553	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
	Coal tar oil	Combustible liquid	NA1137	None	173.118a	None	No limit	No limit	1,2	1,2	
	Coal tar oil	Flammable liquid	NA1136	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1,2	
	Coir. See Fibers.										
W	Cologne spirits (<i>alcohol</i>)	Flammable liquid	NA1170	Flammable liquid	173.118	173.125	1 quart	10 gallons	1,2	1	
	Columbian spirits (<i>wood alcohol</i>)	Flammable liquid	NA1230	Flammable liquid	173.118	173.125	1 quart	10 gallons	1,2	1	
	Cotton batting	ORM-C		None	173.505	173.970			1,2	1,2	Keep dry. Stow away from vegetable or animal oils. See 176.900 to 176.904
	Cotton batting dress. See Cotton batting.										
	Cotton, burnt. See Burnt cotton.										
	Cotton seed hull fiber or shavings, pulp, or cut linters. See Cotton batting.										
	Cotton sweepings. See Cotton waste.										
	Cotton wadding. See Cotton batting.										
	Cotton waste	ORM-C		None	173.505	173.975			1,2	1,2	Keep dry. Stow away from vegetable or animal oils. See 176.900 to 176.904.
	Cotton waste, oily (with more than 5% of animal or vegetable oil).	Flammable solid	UN1364	Flammable solid	173.167		Forbidden	Forbidden	1,2	1,2	Separate from flammable gases or liquids, oxidizing materials, or organic peroxides.
	Creosote, coal tar	Combustible	NA1993	None	173.118a	None	No limit	No limit	1,2	1,2	
	Creosote oil. See Creosote, coal tar.										
	Crude nitrogen fertilizer solution (more than 25.3 p.s.i.g.).	Nonflammable gas.	NA1043	Nonflammable gas.	173.306	173.304 173.314	Forbidden	300 pounds	1,3	1,3	
	Dead oil. See Creosote, coal tar.										
	Dressing, leather	Combustible liquid	NA1142	None	173.118a	None	No limit	No limit	1,2	1,2	
W	Dressing, leather	Flammable liquid	NA1142	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
	Eradicator, paint or grease, liquid.	Flammable liquid	UN1850	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
	Excelsior (shredded wood) when dry, clear, and free from oil.	ORM-C		None	173.505	173.980			1,3	1,3	Stow away from organic, corrosive or oxidizing materials.
	Fabric with animal or vegetable oil. See Fibers or fabric, containing not more than 5% animal or vegetable fat.										
	Feed, wet, mixed	ORM-C		None	173.505	173.990	Forbidden	Forbidden	3	3	Stow in cool, dry, well-ventilated compartment. Do not stow bags over ten tiers high without flooring off. Do not overstuff.
	Felt, waste. See Cotton waste.										

+ E A W	Hazardous materials descriptions and proper shipping names	Hazard class	Identification number	Label(s) required (if not excepted)	Packaging		Maximum net quantity in one package		Water shipments		
					Excep-tions	Specific require-ments	Passenger carrying aircraft or raicar	Cargo only aircraft	Cargo ves-sel	Pas-senger vessel	Other requirements
(1)	(2)	(3)	3(a)	(4)	5(a)	5(b)	6(a)	6(b)	7(a)	7(b)	7(c)
	Felt, waste, wet. See Waste wool, wet.										
	Fertilizer, tankage. See Garbage, tankage.										
	Fibers or fabric, containing not more than 5% animal or vegetable oil.	Flammable solid	NA1373	Flammable solid	None	173.170	Forbidden	Forbidden	1,2	1,2	Separate from flammable gases or liquids, oxidizing materials, or organic peroxides.
	Fibers, burnt.	Flammable solid	NA1372	Flammable solid	None	173.189	Forbidden	Forbidden	1,2	1,2	
	Film, photographic (including scrap film), safety, nonflammable, or slow burning. Not subject to requirements of this subchapter.										
	Flax. See Fibers.										
	Garbage tankage containing 8% or more water.	ORM-C		None	173.505	173.1000			1,2	1,2	Separate from flammable gases or liquids, oxidizing materials, or organic peroxides.
	Garbage tankage, containing less than 8% water.	Flammable solid	NA1325	Flammable solid	None	173.209	Forbidden	Forbidden	1	1	
	Gas oil. See Fuel oil.										
	Hair, wet.	Flammable solid	NA1372	Flammable solid	None	173.172	Forbidden	Forbidden	1,2	5	Separate from flammable gases or liquids, oxidizing materials, or organic peroxides.
	Hay	ORM-C	UN1327	None	173.505	173.1005			1,2	1,2	
	Hay or straw (loose, wet or damp).		UN1327								Segregation same as for flammable solids. Slow away from animal or vegetable oils.
	Hessian. See Burlap cloth.										
	Insulation tape (varnished cloth type. See Oiled material).										Forbidden for water shipment.
	Jute. See Fibers.										
	Kapok. See Fibers.										
	Leather bleach or dressing.	Flammable liquid	NA1142	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	Separate from flammable gases or liquids, oxidizing materials, or organic peroxides.
	Leather bleach or dressing.	Combustible liquid	NA1142	None	173.118a	None	No limit	No limit	1,2	1,2	
	Lighter fluid.	Flammable liquid	UN1226	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	Separate from flammable gases or liquids, oxidizing materials, or organic peroxides.
	Mentatetrahydro phthalic anhydride.	Corrosive material	NA1760	Corrosive	None	173.298	Forbidden	1 quart	1,2	1	
	Motor fuel, n.o.s.	Combustible liquid	NA1203	None	173.118a	None	No limit	No limit	1,2	1,2	Separate from flammable gases or liquids, oxidizing materials, or organic peroxides.
	Motor fuel, n.o.s.	Flammable liquid	NA1203	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
	Naphtha distillate.	Combustible liquid	NA1298	None	173.118a	None	No limit	No limit	1,2	1,2	Separate from flammable gases or liquids, oxidizing materials, or organic peroxides.
	Naphtha distillate.	Flammable liquid	NA1288	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
	Naphtha, solvent.	Combustible liquid	UN1256	None	173.118a	None	No limit	No limit	1,2	1,2	Separate from flammable gases or liquids, oxidizing materials, or organic peroxides.
	Naphtha, solvent.	Flammable liquid	UN1256	Flammable liquid	173.118	173.119	1 quart	10 gallons	1,2	1	
	Nitric catalyst, wet, finely divided, activated, or spent. With not less than 40% water or other suitable liquid.	Flammable solid	UN1378	Flammable solid	None	173.233	Forbidden	100 pounds	1,2	1	Separate from flammable gases or liquids, oxidizing materials, or organic peroxides.
	Nitrogen fertilizer solution.	Nonflammable gas	NA1043	Nonflammable gas	173.306	173.304	150 pounds	300 pounds	1,3	1,3	
	Oakum.	ORM-C		None	173.505	173.1030			1,2	1,2	Separate from flammable gases or liquids, oxidizing materials, or organic peroxides.
	Oiled clothing (manufactured article properly dried to prevent spontaneous heating. See Oiled material).										
	Oiled paper (manufactured article properly dried to prevent spontaneous heating).	ORM-C	NA0053	None	173.505	173.1035	No limit	No limit	1,3	1,3	

[illegible]

+ E A W	Hazardous materials descriptions and proper shipping names	Hazard class	Identification number	Label(s) required (if not excepted)	Packaging		Maximum net quantity in one package		Water shipments		
					Excep- tions	Specific require- ments	Passenger carrying aircraft or railcar	Cargo only aircraft	Cargo ves- sel	Pass- enger vessel	Other requirements
(1)	(2)	(3)	3(a)	(4)	5(a)	5(b)	6(a)	6(b)	7(a)	7(b)	7(c)
	Tankage fertilizer.....	Flammable solid.....	NA1325.....	Flammable solid.....	None	173.209	Forbidden.....	Forbidden.....	1	5	Keep dry. Separate from flammable gases or liquids, oxidizing materials, or organic peroxides.
	Tankage, rough ammoniate.....	Flammable solid.....	NA1325.....	Flammable solid.....	None	173.210	Forbidden.....	Forbidden.....	1	5	Keep dry. Separate from flammable gases or liquids, oxidizing materials, or organic peroxides.
	Tar, liquid.....	Combustible liquid.....	UN1999.....	None.....	173.118a	None	No limit.....	No limit.....	1.2	1.2	
	Tar, liquid.....	Flammable liquid.....	UN1999.....	Flammable liquid.....	173.118	173.131	1 quart.....	10 gallons.....	1.2	1	
	Textile waste. See Cotton waste										
	Textile waste, wet.....	Flammable solid.....	UN1857.....	Flammable solid.....	None	173.211	Forbidden.....	Forbidden.....	1.2	1.2	Separate from flammable gases or liquids, oxidizing materials, or organic peroxides.
	Tinning flux. See Zinc chloride solution.										
	Treated paper (manufactured article properly dried to prevent spontaneous heating). See Oiled material.										
	Treated textile (manufactured article properly dried to prevent spontaneous heating). See Oiled material.										
	Turpentine substitute.....	Combustible liquid.....	UN1300.....	None.....	173.118a	None	No limit.....	No limit.....	1.2	1.2	
	Turpentine substitute.....	Flammable liquid.....	UN1300.....	Flammable liquid.....	173.118	173.119	1 quart.....	10 gallons.....	1.2	1	
	Twisted jute packing (rope) (treated or untreated). See Oakum.										
	Waste paper, wet.....	Flammable solid.....	NA1925.....	Flammable solid.....	None	173.185	Forbidden.....	Forbidden.....	1.2	1.2	Separate from flammable gases or liquids, oxidizing materials, or organic peroxides.
	Waste textile, wet.....	Flammable solid.....	NA1857.....	Flammable solid.....	None	173.211	Forbidden.....	Forbidden.....	1.2	1.2	Separate from flammable gases or liquids, oxidizing materials, or organic peroxides.
	Waste wool, wet.....	Flammable solid.....	UN1857.....	Flammable solid.....	None	173.213	Forbidden.....	Forbidden.....	1.2	1.2	Separate from flammable gases or liquids, oxidizing materials, or organic peroxides.
	Water treatment compounds, liquid.	Corrosive material.....	NA1760.....	Corrosive.....	173.244	173.249	1 quart.....	10 gallons.....	1	1	
	Wax, liquid.....	Combustible liquid.....	NA1993.....	None.....	173.118a	None	No limit.....	No limit.....	1.2	1.2	
	Wet hair. See Hair, wet.										
	Wet textile waste. See Waste textile, wet.										
	Wood shavings (when dry, clean and free from oil). See Sawdust.										
	Wool waste. See Cotton waste.										
	Wool waste, wet. See Waste wool, wet.										
A	Yeast, active, in liquid or pressed form.....	ORM-C.....		None.....	None	173.1085	No limit.....	No limit.....			

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

2. In Part 173, the following sections are removed:

173.129
173.155
173.167
173.185

173.169
173.170
173.172
173.930

173.186
173.188
173.200
173.201
173.209
173.210
173.211
173.213
173.233
173.298
173.925

173.931
173.965
173.970
173.975
173.980
173.990
173.1000
173.1005
173.1030
173.1035
173.1085

3. In § 173.131, the heading and paragraph (a) are revised to read as follows:

§ 173.131 Tar, liquid.

(a) Tar, liquid, must be packed in specification containers as follows:

* * * * *

§ 173.162 [Amended]

4. In § 173.162, paragraph (a)(1) is removed and reserved.

5. In § 173.245, paragraph (a)(15) is revised to read as follows:

§ 173.245 Corrosive liquids not specifically provided for.

(a) * * *

(15) Specification 17H (§ 178.118 of this subchapter). Metal drums (single-trip). Authorized only for liquid boiler compounds, liquid water treatment compounds, and viscous cleaning compounds, liquid.

* * * * *

7. In § 173.248, the heading and introductory text of paragraph (a) are revised to read as follows:

§ 173.248 Spent sulfuric acid, or spent mixed acid.

(a) Spent sulfuric acid, or spent mixed acid, resulting from the use of sulfuric

acid in various processes, not containing hydrofluoric acid, must be packaged as follows:

* * * * *

6. In § 173.249, paragraph (a)(4) is removed and reserved, and the heading and introductory text of paragraph (a) is revised to read as follows:

§ 173.249 Alkaline corrosive liquids, n.o.s.; alkaline liquids, n.o.s.; alkaline corrosive battery fluid; potassium fluoride solution; potassium hydrogen fluoride solution; sodium aluminate, liquid; sodium hydroxide solution; potassium hydroxide solution.

(a) Alkaline corrosive liquids, n.o.s.; alkaline liquids, n.o.s.; alkaline corrosive battery fluid; potassium fluoride solution; potassium hydrogen fluoride solution; sodium aluminate, liquid; sodium hydroxide solution and potassium hydroxide solution, when offered for transportation by carriers by

rail freight, highway, or water must be packed in specification containers of a design and constructed of materials that will not react dangerously with or be decomposed by the chemical packed therein as follows:

* * * * *

(49 U.S.C. 1803, 1804, 1808; (49 CFR 1.53, Appendix A to Part 1))

Issued in Washington, D.C. on November 7, 1983.

L. D. Santman,

Director, Materials Transportation Bureau.

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